

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

HOPETON K. FRANCIS,

Plaintiff,

-against-

CITY OF NEW YORK, et al.,

Defendants.

24-CV-2530 (MMG) (RFT)

ORDER

ROBYN F. TARNOFSKY, United States Magistrate Judge:

At a telephonic conference held on June 11, 2025, Plaintiff stated that he does not oppose Defendants' letter-motion to stay discovery (ECF 48) pending a decision on Defendants' motion to dismiss the amended complaint (ECF 19). Accordingly, the letter-motion to stay discovery (ECF 48) is GRANTED.

Plaintiff stated that he has identified what he believes to be errors in Defendants' filings in support of their motion to dismiss. Accordingly, Plaintiff shall have until **July 11, 2025** to file a surreply in further opposition to the motion to dismiss, and, if Plaintiff makes such a filing, Defendants shall have until **July 25, 2025** to file a sur-surreply in further support of the motion to dismiss.

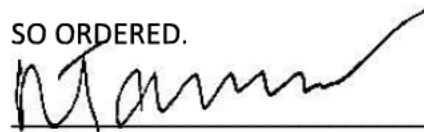
Plaintiff has requested that I appoint counsel for him. (ECF 50.) As I explained at the conference, in civil cases, unlike in criminal cases, there is no guaranteed right to counsel, and the Court must rely on volunteer lawyers to take on civil matters pro bono. The Court may request that the Clerk of Court look for volunteers in a particular case, but because volunteer lawyers are a scarce resource, the Court may only ask the Clerk of Court to do so in circumstances that are not present here: among other issues, Plaintiff has not demonstrated

that he sought help from both private lawyers and public interest lawyers who declined to assist him. *See Jenkins v. Chem. Bank*, 721 F.2d 876, 880 (2d Cir. 1983) (the decision to appoint counsel for an indigent civil plaintiff must consider “the efforts taken by the plaintiff to obtain a lawyer,” which requires evidence of the plaintiff’s “reasonably diligent effort under the circumstances”). I encouraged Plaintiff to reach out to the independent City Bar Justice Center for Civil Pro Se Litigants in the Southern District of New York, which may be able to provide him with assistance.

For the foregoing reasons, Defendants’ motion to stay discovery is GRANTED. The Clerk of Court is respectfully requested to terminate ECF 48.

Dated: June 12, 2025
New York, NY

SO ORDERED.

A handwritten signature in black ink, appearing to read 'RTarnofsky', written over a horizontal line.

ROBYN F. TARNOFSKY
United States Magistrate Judge